

*Ok'd by J Blake
w/changes noted
CR/DDM
1/28/74*

JSW

25X1

*Meeting w/ J Blake
28 Jan 74
JSW + AEG*

By virtue of the authority vested in me as Director of Central Intelligence and head of the Central Intelligence Agency, I direct that:

A. All authority vested in me,¹ except for any authority the delegation of which is inconsistent with applicable law,² is hereby delegated to the Deputy Director of Central Intelligence. This authority includes:

1. the authority to certify for the expenditure of funds as set forth in Section 8b of the Central Intelligence Act of 1949, as amended;

¹ The National Security Act of 1947, as amended, provides for the position of a Deputy Director of Central Intelligence, who is authorized to act for and exercise the power of the Director in his absence or disability. This legislative grant of authority has been interpreted by the Comptroller General to mean that the Deputy Director may also assist the Director in the performance of his duties, including those vested by law in the Director. Therefore, the Director may prescribe certain areas in which the Deputy Director will take final action.

² The General Counsel has taken the position that the Director should not delegate to the Deputy Director at least: (1) the authority under section 102(c) of the National Security Act of 1947, as amended, to terminate employees of the CIA when the DCI shall deem such termination necessary or advisable in the interests of the United States; (2) the authority under the Atomic Weapons Rewards Act of 1955 for the DCI to serve on the Atomic Awards Board, empowered to render awards for information concerning certain activities regarding atomic energy; (3) the authority under the CIA Retirement Act of 1964 for Certain Employees, as amended, to retire employees involuntarily; and, (4) the authority to determine that classified information and material originating within the Agency shall not become automatically declassified at the end of thirty full calendar years from date of original classification. (Sec. 5(E) of E.O. 11652, March 8, 1972.)

OGC Has Reviewed

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2. the authority to determine that the entry of a particular alien into the U.S. for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission (Section 7 of the CIA Act of 1949, as amended);
3. the authority to certify that the alterations, improvements, and repairs on premises rented by the Agency and the rental expenses of such premises beyond the limit set by the Act of June 30, 1932, as amended, are necessary to the successful performance of the Agency's functions or to the security of its activities (Section 5(e) of the CIA Act of 1949, as amended);
4. the authority to designate couriers and guards to carry firearms when engaged in transportation of confidential documents and materials affecting the national defense and security (Section 5(d) of the CIA Act of 1949, as amended);
5. the authority to approve the initial appointment and assignment of a temporary, reserve, or staff employee (including scientific pay scale personnel) above the grade of GS-15;
6. the authority to approve the promotion or transfer of a temporary, reserve, or staff employee (including scientific pay scale personnel) above the grade of GS-15;
7. the authority to approve the awarding of the Distinguished Intelligence Cross, the Distinguished Intelligence Medal, the Intelligence Star, the Intelligence Medal of Merit, and the Career Intelligence Medal;
8. the authority to grant suggestion and invention awards between \$1,000 and \$5,000;
9. the authority to grant a substitute separation compensation;
10. the authority to determine whether an individual receiving substitute separation compensation has breached his security and/or cover agreement; and,

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11. the authority to authenticate or approve the issuing, revising, or rescinding of Agency regulations which require the authentication or approval of the Director.

No authority delegated to the Deputy Director of Central Intelligence shall be subdelegated by him.

B. There is hereby delegated to the Deputy Director for Management and Services the authority to provide for the general administration of the Central Intelligence Agency to include the general administration and supervision of all personnel through the publishing of all Agency regulatory issuances which do not require the authentication of the Director. There is also delegated to the Deputy Director for Management and Services the authority to revise or rescind all regulatory issuances which do not require the authentication or approval of the Director.

C. There is hereby delegated to the Deputy Director for Management and Services the authority necessary to supervise the general administration of all personnel. This authority includes:

1. the authority to appoint and assign staff employees up to and including the grade of GS-15, to reassign such employees from one position or career service to another, and to promote such employees up to and including the grade of GS-15;
2. the authority to appoint all employees of the Agency to Career Employee status, to approve all separation payments, and to make all determinations and to approve payments authorized by the Missing Persons Act;
3. the authority to appoint retired Agency employees, other retired U.S. Government civilian employees, and retired members of the U.S. Armed Forces as temporary, reserve, or staff employees up to and including the grade of GS-15;
4. the authority to approve recommendations of the Recruitment Advertising Committee in connection with proposed advertisements or other releases,

*TDY + travel
advances. decentralized.
M+S has authority by
TRB to write reg. dealing
w/ TDY + travel advances
and delegate it to
operating officials etc.*

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regardless of attribution to the Central Intelligence Agency, which offer employment with the Agency;

5. the authority to execute, amend, renew, and terminate contracts for employment, personal services, independent contractors and agents;
6. the authority to execute, amend, renew, and terminate contracts for services and facilities directly related to the support of operations;
7. the authority to approve the payment of salaries, allowances and differentials, including the authority to grant



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AS per
O/Fin + O/Per 8.
+ J Blake

Distinguish
between Travel Order
signed by Div Chief /H20
+ Official Pers Order -
documents flow from
Benefits from
Travel Order

the authority to transfer all employees and detailees from one official duty station to another ~~and to approve the payment or reimbursement of all lawful expenses incident to transfer,~~ and the authority to approve non-standard tours of duty;

9. the authority to approve the return of personnel prior to the completion of their overseas assignments and to waive all or part of an employee's service abroad agreement;

10. the authority to grant exceptions to travel plans calling for less than 20 workdays of leave, or leave and temporary duty, in the United States, its possessions, or the Commonwealth of Puerto Rico when the employee is returning to an assignment outside the United States immediately after home leave;

Same
as #8

11. ~~the authority to direct temporary duty travel and to approve the payment or reimbursement of all lawful expenses incident to this travel;~~

~~12. the authority to approve travel advances;~~

13. the authority to establish and to administer all health and insurance programs;
14. the authority to approve voluntary retirements for employees between 50 and 60 years of age who are covered by the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended;
15. the authority to approve requests for extensions of scheduled or mandatory retirement dates for periods not to exceed 60 days;
16. the authority to waive, up to 18 months, the time limitation upon the payment of travel and transportation expenses of a retiree, his dependents, and his personal effects to the place where he will reside in the U.S. or its possessions;
17. the authority to approve the compensation for contract employees, independent contractors, and agents in excess of the maximum annual rate for grade GS-15;
18. the authority to approve the use of individuals as consultants and to approve compensation in excess of the maximum annual rate for grade GS-15;
19. the authority to approve exceptions for temporary, reserve, or staff appointments for personnel over 60 years of age;
20. the authority to approve exceptions to mandatory retirement at age 60 for employees under the Civil Service Retirement System and under the Central Intelligence Agency Retirement System;
21. the authority to adopt the administrative provisions (except salary) of the Foreign Service Act, as amended, or the provisions of any other applicable law when it is determined to be necessary for the proper administration of all employees of the Agency;

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22. the authority to approve the payment or reimbursement of an employee for expenses incurred or benefits lost when an employee because of operational or security requirements cannot receive the benefits which other Agency employees are lawfully entitled to receive;
23. the authority to grant permission for an employee to remain in the employ of the Agency before the employee's marriage to a non-U.S. citizen;
24. the authority to approve the awarding of Honor and Merit Awards, except for the Distinguished Intelligence Cross, the Distinguished Intelligence Medal, the Intelligence Star, the Intelligence Medal of Merit, and the Career Intelligence Medal;
25. the authority to approve the reimbursement of employees for housing when determined to be in the best interests of the Agency, and to determine the per cent contribution by the Agency to this housing, and the authority to pay for housing determined to be essential to either operational or representational needs and to determine the per cent contribution of employees to housing procured for these needs;
26. the authority to furnish employees housing and to determine the percentage of the housing costs to be contributed by employees;
27. the authority to approve an employee's claims for damages ^{and/or} to losses of personal property, and to approve an employee's claim for damages and/or losses ^{to of} Government-controlled property when the liability of the employee is confirmed by a Board of Survey; and,
28. the authority to grant suggestion and invention awards up to and including \$1,000.

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The authority delegated in subparagraphs 1 through 16 is hereby delegated to the Director or Acting Director of Personnel. The authority in subparagraphs 1 through 16, except for any authority the subdelegation of which is inconsistent with applicable law, may be subdelegated. ^{by the D/Pers} The authority delegated in subparagraphs 17 through 24 shall be exercised only by the Deputy Director or Acting Deputy Director for Management and Services. The authority delegated in subparagraphs 25 through 27 may be delegated to a single senior subordinate and shall not be further subdelegated. The authority to grant cash awards less than \$1,000 set forth in subparagraph 28 may be subdelegated; provided, only a single senior subordinate may be subdelegated the authority to grant a cash award of \$1,000. ~~Any~~ authority delegated in this paragraph ~~or which may be subdelegated~~ shall be subject to such restrictions and procedures as may be prescribed by Agency regulations.

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D. There is hereby delegated to the chief of each [redacted] foreign station the authority necessary to supervise the general administration of personnel whose official duty station is located within the particular jurisdiction. This authority includes:

1. the authority to make non-staff appointments, and to authorize the payment of the salaries and allowances of such employees;
2. the authority to direct temporary duty travel and to authorize the payment or reimbursement of all lawful expenses incident to this travel;]
3. the authority to approve travel advances; and]
4. the authority to execute, amend, and terminate contracts for personal services.

*Delete #2+3
same rationale
as TFC 11+12,
i.e. authority
covered in TFD,
"general admin."*

The authority delegated above is hereby delegated to chiefs of foreign bases and may be subdelegated to a single senior subordinate within each foreign station and each foreign [redacted] base who may act for the chief of station or base in the exercise of this authority. This authority shall not be further subdelegated. The authority delegated in this paragraph shall be subject to such restrictions and procedures as may be prescribed by Agency regulations.

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E. There is hereby delegated to the Director or Acting Director of Personnel the authority to terminate the employment of an individual within the first 12 months of his employment by the Central Intelligence Agency. This authority shall not be subdelegated.

F. There is hereby delegated to the following personnel the authority to administer the oath of office incident to entrance into the executive branch of the United States Government or any other oath required by law in connection with employment therein:

Deputy Director for Management and Services
Associate Deputy Director for Management and Services
Director of Personnel
Deputy Director of Personnel
Executive Assistant to the Director of Personnel
Chief, Staff Personnel Division, Office of Personnel
Chief, Contract Personnel Division, Office of Personnel
Appointment Clerks, Office of Personnel
Chiefs of Station and Base and their properly designated
single senior subordinate.

The authority delegated above shall be exercised by the incumbents of these offices as of the date this delegation is effective and shall be exercised in the future by those acting for the above-named personnel. This authority shall not be subdelegated.

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For the information of readers, the authority delegated in paragraph C is now being exercised by the following (according to headquarters regulations):

- | | |
|------|------------------------------------|
| C.1. | D/Pers |
| 2. | D/Pers |
| 3. | DCI |
| 4. | DDM&S (delegated by him to D/Pers) |
| 5. | D/Pers and DCI |
| 6. | D/Pers |
| 7. | D/Pers |
| 8. | D/Pers |
| 9. | D/Pers |
| 10. | D/Pers |
| 11. | D/Pers |
| 12. | D/Pers |
| 13. | D/Pers |
| 14. | DCI |
| 15. | D/Pers |
| 16. | D/Pers and SSA/DDM&S |
| 17. | DCI |
| 18. | DCI |
| 19. | DCI |
| 20. | DCI |
| 21. | ExDir - Comptroller |
| 22. | New |
| 23. | DCI |
| 24. | DCI |
| 25. | DDM&S |
| 26. | DDM&S |
| 27. | DCI |
| 28. | DDM&S |

As you can see, the DCI has been relieved of making certain administrative determinations that at present only he can make. Therefore, in delegating this authority to the DDM&S, it becomes the responsibility of the DDM&S personally to make these determinations.

~~[The following are our responses to oral or written comments we have received from O/DDM&S, O/Pers, and O/Fin.]~~

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Upon the effective date of this Delegation of Authority (Personnel), the following delegations are rescinded;

25X1 1. Memo dtd 15 Mar 57 (DD/S 57-871) for DCI fr DD/S,
Subj: [REDACTED] Memo
dtd 11 Mar 57 fr C/FED to DCI, Same Subj;

2. Memo dtd 2 Oct 61 (ER 61-8254) for DCI fr DD/S, Subj:
Agency Overseas Living Quarters;

25X1 3. Memo dtd 29 May 62 (ER 62-3752) for Acting DCI fr Gen.
Cnsl., Subj: Delegation of Authority and Memo dtd 7 Feb 62 for DD/S
fr SSA-DD/S, Subj: Emergency Allowances and Memo dtd 29 May 62

[REDACTED]

5. Memo dtd 2 Nov 64 (DD/S 64-5691) for Acting DCI fr OGC
through DD/S, Subj: Delegation of Authority to Administer the Oath
of Office of New Employees;

6. Memo dtd 23 Aug 67 (OLC 67-0175) for DCI fr OGC/OLC,
Subj: Legislative and Administrative Authority for Payment of Travel
Expenses, Allowances, and Other Fringe Benefits to Agency Employees
and Memo dtd 10 Oct 67 for DD/S fr Ex-Dir, Subj: Administrative
Authorities;

7. Memo dtd 18 June 68 (DD/S 68-3100) for DD/S fr D/Per,
Subj: Request for Delegation of Authority (approve exceptions up to
18 months for CIARDS travel and transportation, etc.);

8. Memo dtd 27 April 71 (unnumbered) for D/Per fr DD/S,
Subj: Delegation of Authority (exceptions to 20 workdays of leave or
leave and temporary duty in U.S., etc.);

9. Memo dtd 21 April 71 (unnumbered) for Ex-Dir-Comp fr DD/S, Subj: Administrative Authorities (same benefits CSR as CIARDS);

10. Memo dtd 27 May 68 (ER 68-2631) for DCI fr D/Per, Subj: Retirement Extension;

11. Memo dtd 18 May 71 (DD/S 71-196?) for DD/S fr Ex-Dir-Comp, Subj: Recruitment Advertising Committee and Memo dtd 20 May 71 (DD/S 71-2005) for D/Per fr DD/S, Same Subject;

12. Memo dtd 1 June 71 (DD/S 71-2215) for Ex-Dir-Comp fr DD/P, Subj: Approval of Return of Personnel from Overseas Posts Prior to Completion of Tour of Duty;

13. Memo dtd 6 Oct 71 (ER 71-4550) for D/Per fr DCI, Subj: Delegation of Authority (termination within first twelve months of employment);

Rescinded by DCI
[14. ~~Memo dtd 29 June 63 (ER 63-5277) for Ex-Dir fr DDCI, Subj: Delegation of Authority (expenses incurred entertainment of U.S. Government employees exclusively).~~]

25X1 The new Delegation of Authority (Personnel) will also have the effect of superseding most of the Director of Central Intelligence Delegation of Authority, dtd 1 Dec 50, as amended by Notice No. [] dtd 18 Jan 54, Subj: Organization and Functions, Office of Personnel, Delegation of Authority. Until the other delegations contained in the 1950 paper are revised and delegated to the DD/M&S (and to the D/Finance and D/Logistics), the 1950 paper cannot be rescinded. The new Delegation of Authority (Personnel) will rescind Notice [] dtd 18 Jan 54 which dealt only with personnel authority.

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15. Memo dtd 9 Dec 60 (ER 60-9597) for DCI fr DD/S, Subj: Authority to Revise or Rescind Certain Regulations.

*Colby's notations
of 14 Aug 73
JEW*

7-11-86

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT: Delegation of Authority

1. There is hereby delegated to the Executive Director-Comptroller the authorities reserved to me in the following enumerated situations:

a. ☐ MARRIAGE OF EMPLOYEES

☐ Permission for an employee to remain in the employ of the Agency when contemplating marriage to an alien.

b. ☐ EMPLOYMENT OF U.S. GOVERNMENT RETIRED MILITARY OFFICERS AND CIVILIAN EMPLOYEES

Approval of exceptions for temporary or reserve appointments extending beyond age 60.

c. ☐ MANAGEMENT OF SUPERGRADE PERSONNEL

Approval of initial appointments, transfers and promotions.

d. ☐ MANAGEMENT OF SPECIALLY QUALIFIED SCIENTIFIC PERSONNEL

Approval of appointments, transfers and promotions.

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e. ☐ HONOR, MERIT, AND SERVICE AWARDS

☐ Approval or disapproval of Honor and Merit Awards except for the Distinguished Intelligence Cross and the Distinguished Intelligence Medal.

✓ DCI
DDCI

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f. ☐ CIVIL SERVICE RETIREMENT SYSTEM

Approval of exception to retirement at age 60. ✓

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g. ☐ CIA RETIREMENT AND DISABILITY SYSTEM

Approval of exception to retirement at age 60.

Approval of voluntary retirement between 50 and 60.

Approval of involuntary retirement within the scope of surplus procedures.

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h. ☐ CONSULTANTS

Approval for the use of individuals as consultants and approval of the rate of compensation. ✓

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i. ☐ CONTRACT PERSONNEL

Approval of compensation in excess of the maximum annual rate of grade GS-15.

2. It is expected that you will keep me generally informed in connection with all of the above matters and I also expect you to bring to my attention any unusual or significant actions in these areas.

RICHARD HELMS
Director of Central Intelligence

9 January 1973

*Bob - Copies of
This memo
+ references
(PP 2 below)
were sent to
D/Pers in
1973*

MEMORANDUM FOR: Executive Officer to the Deputy Director
for Support

SUBJECT: Delegation of Authority

*Tony
9/30/74*

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1. In 1971 at the request of the Deputy Director for Support, [redacted] undertook a lengthy and difficult project to research the authorities delegated by the Director of Central Intelligence to individuals within the Agency. [redacted] was to report on the current status of these delegations and recommend corrective action where required. In late 1971 [redacted] sent us a rough draft of his report for our comments. Because of his death and the issues involved, we took it upon ourselves to try and finish this report.

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2. This Office has devoted many hours of research and writing to the preparation of the attached memoranda. The first, a memorandum for the record, contains a study of the authorities delegated to the Director by Congress in legislation which specifically deals with the Agency and in legislation which generally empowers all heads of Government agencies with certain administrative and managerial authority. The second memorandum sets out the Director's 1 December 1950 (as amended on 18 January 1954) delegation of administrative authorities to the Deputy Director for Support (DDS) and to the directors of certain offices subordinate to the DDS. This memorandum shows that our current headquarters regulations do not contain many of the 1950 delegations. Attached as an annex to the second memorandum is a compilation of the authorities of the Director which have not been delegated by him in specific headquarters regulations. Some of these authorities, however, have been delegated by means of separate memoranda, but they have not been incorporated into the appropriate regulation(s).

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3. The question these papers ask is how and where does the Agency establish a chain of authority from the Director down to those who are actually exercising authority in his behalf. If the 1950 delegation is rescinded, the chain of authority will be broken. We feel that the 1950 delegations should be included in our headquarters regulations, but as the second memorandum and annex indicate, our regulations are not clear in and of themselves. As an interim solution, the Director might delegate an updated version of the authorities in the 1950 memorandum directly to the DDS, giving him the authority to redelegate and making the Director's delegation a part of the [] series. It would seem proper, however, that some consideration be given to a possible restructuring or reorganization of certain of our regulations.

4. As you are aware, our headquarters regulations are the guidelines by which the Agency operates and is managed. We have statements of no less than the United States Supreme Court to the effect that regulations properly promulgated have the effect of law, and that regulations prescribing procedures to be followed are binding upon the administrators who issue them.* While we feel work needs to be done on updating and revising our regulations, this requires a policy decision as to whether it will be done and, if so, how it will be done and who will do it.

5. As you can see this is an enormously complicated matter. We would be happy to discuss it with you in greater detail and assist in any way possible.

S/ JOHN S. WARNER

JOHN S. WARNER
Deputy General Counsel

Atts

AEG:ks

Distribution:

Original - Addressee

1 - DELEGATION OF AUTHORITY

✓ 1 - AEG Signer

1 - Chrono

*Service v. Dulles, 354 U.S. 363 (1957); United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954).

STATINTL

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